

Suzanne Steab - West Ridge, NOV#10063, Failure to sediment control

From: Suzanne Steab
To: Dave Shaver
Date: 7/21/2010 8:39 AM
Subject: West Ridge, NOV#10063, Failure to sediment control
CC: Daron Haddock; Jim Smith; Steve Christensen
Attachments: 20100721092745.pdf

*Outgoing
60070041
#3595
R*

Hello Dave,

Attached is the NOV #10063 issued 7/21/10. A hard copy is being mailed certified today.

Thanks



JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Oil, Gas & Mining

MICHAEL R. STYLER
Executive Director

JOHN R. BAZA
Division Director

July 21, 2010

CERTIFIED MAIL
7003 2260 0002 0247 7860

Dave Shaver, Resident Agent
Genwal Resources, Inc.
P.O. Box 910
East Carbon, Utah 84520-0910

Subject: Notice of Violation (N.O.V.) #10063, West Ridge Resources, Inc., West Ridge Mine, C/007/0041, Outgoing File

Dear Mr. Shaver:

Based upon the July 14, 2010 field inspection conducted by Division of Oil, Gas and Mining representatives, a Notice of Violation (NOV) has been issued (See Attached).

The issuance of the NOV is a result of a failure to design, construct and maintain appropriate sediment control measures that resulted in the additional contributions of sediment outside the permit area. Specifically, accumulations of coal-fine material were observed within the 'C' Canyon drainage beginning at Utah Pollution Discharge Elimination System (UPDES) Outfall 002. As a result, corrective measures are required in order to abate the NOV (See Attached).

If you have any questions, please feel free to call me at (801) 538-5325 or Steve Christensen at (801) 538-5350.

Sincerely,

Daron R. Haddock
Permit Supervisor

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West Ridge Resources, Inc.
NOV #10063
Abatement Measures

- I. Immediately begin visual inspection of mine-water discharge at Outfall 002. Visual inspections to be conducted every shift. Inspections must be recorded in a logbook to be available upon request at the mine-site. Logbook entries must include dates/times/personnel/observations of mine-water discharge.
- II. Submit plans for Division approval and incorporation into the Mining and Reclamation Plan (MRP) that include the design, construction, implementation and maintenance of an underground mine-water monitoring/treatment system. The system must, to the extent possible using the best technology currently available, prevent the discharge of mine-water that does not meet applicable water quality standards and effluent limitations. At a minimum, the plans will include:
 - a. Continuous monitoring and automated alarm system that alerts Permittee when coal fines/sediments in the mine-water discharge have reached action levels (to be identified by Permittee).
 - b. Mechanism and procedure for immediately stopping mine-water from discharging when action levels are reached.
 - c. Documentation of the manufacturer's recommended installation, maintenance and calibration procedures for the water monitoring/treatment system to be utilized.
 - d. Procedures to be utilized by management to ensure continuous operation of the mine-water monitoring/treatment system.
 - e. Maintain a hardbound logbook at the mine-site that includes the dates/times/personnel who performed maintenance and calibration on the mine-water monitoring/treatment system.
 - f. Monthly analysis of in-mine water quality samples collected prior to treatment. Parameters to be analyzed include: total and dissolved iron, sulfate, alkalinity, total dissolved solids, field conductivity, field temperature, field dissolved oxygen and field pH.
- III. Submit plans for Division approval and incorporation into the MRP that include the design, construction, implementation and maintenance of Sub-catchments 'C' and 'E' as depicted in Attachment 1 of Appendix 5-15, *Location Map* (Task ID #3543). The revised plans must include a commitment that all sub-catchments remain in place until the Division determines they are no longer required. In addition, the plans must provide adequate bonding to cover reclamation costs.
- IV. Submit plans for Division approval and incorporation into the MRP that outline the clean-up methods to be utilized from Outfall 002 to Sub-catchment 'E'.



**Citation for Non-Compliance
Utah Coal Regulatory Program**

1594 West North Temple, Salt Lake City, UT 84114

Phone: (801) 538-5340 Fax: (801) 359-3940

Citation #: 10063

Permit Number: C0070041

Date Issued: 07/21/2010



NOTICE OF VIOLATION



CESSATION ORDER (CO)



FAILURE TO ABATE CO

Permittee Name: West Ridge Resources

Inspector Number and ID: 54 SCHRISTE

Mine Name: West Ridge Mine

Date and Time of Inspection: 07/14/2010

Certified Return Receipt Number:

Date and Time of Service: 07/21/2010 8:00 am

Nature of condition, practice, or violation:

Permittee failed to maintain appropriate sediment control measures to prevent, to the extent possible, additional contributions of sediment outside the permit area.

Provisions of Act, regulations, or permit violated:

Utah Code Annotated (UCA) Title 40-Chapter 10, UCA 40-10-18 (2) (ii), R645-301-742.110 and R645-301-742.111.



This order requires Cessation of ALL mining activities. (Check box if appropriate.)



Condition, practice, or violation is creating an imminent danger to health or safety of the public.



Permittee is/has been conducting mining activities without a Permit.



Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.



Permittee has failed to abate Violation(s) included in
☐ Notice of Violation or ☐ Cessation Order within time for abatement originally fixed or subsequently extended.



This order requires Cessation of PORTION(S) of mining activities.

Mining activities to be ceased immediately: ☒ Yes ☐ No

Abatement Times (if applicable).

Discharge of mine-water that does not meet applicable water quality standards and effluent limitations.

Immediately.

Action(s) required: ☒ Yes ☐ No

- Submit plans for an underground mine-water monitoring/treatment system, construction of Sub-catchments 'C' and 'E' and methodology for clean-up from UPDES Outfall 002 to Sub-catchment 'E' by August 11th, 2010 (See Attached Abatement Measures).

- Complete Abatement Measures by September 29th, 2010.

(Print) Permittee Representative

Permittee Representative's Signature - Date

STEVE CHRISTENSEN

(Print) DOGM Representative

DOGM Representative's Signature - Date

SEE REVERSE SIDE OF This Form For Instructions And Additional Information

IMPORTANT – READ CAREFULLY

Pursuant to the Utah Coal Mined Land Reclamation Act, Utah Code Ann. § 40-10-1 et. seq. (Act), the undersigned authorized representative of the Division of Oil, Gas, and Mining (DOGM) has conducted an inspection and found that a Notice of Violation or Cessation Order must be issued.

This order shall remain in effect until it is modified, terminated or vacated by written notice of an authorized representative of DOGM.

1. PENALTIES.

Proposed assessment. DOGM assesses fines based upon a proposed recommendation by an assessment officer. If there is additional information you wish DOGM to consider regarding the cessation order and proposed fine, please submit that to DOGM within *15 days of the date this notice or order is served on you or your agent*. Such information will be used by the assessment officer in determining facts surrounding the violation(s) and amount of penalty. Once DOGM has determined the proper penalty, it will serve the proposed assessment on you or your agent, no later than 30 days of the issuance of this notice or order. See Utah Admin. Code R645-401-600 et. seq.

The penalty will be final unless you or your agent file, within 15 days of receipt of the proposed assessment, a written request for an informal hearing before the assessment officer.

Assessment. For each violation included in this notice, a penalty of up to \$5,000 may be assessed for each separate day the violation continues.

If you fail to abate any violation within the time set for abatement or for meeting any interim step, you will be assessed an additional minimum penalty of \$750 for each day of continuing violation beyond the time set for abatement. You will be issued a Cessation Order requiring cessation of surface coal mining operations or the portion of the operations relevant to the violation.

2. INFORMAL PUBLIC HEARING.

On the reverse side of this page, an authorized representative has made a finding as to whether or not this notice requires cessation of mining. If this order or notice requires cessation of mining, expressly or in practical effect, you may request that an informal public hearing be held at or near the mine site. If you wish an informal public hearing be held, please contact an authorized representative from DOGM. See Utah Admin. Code R645-400-350 et seq. Once an informal public hearing is scheduled, you will be notified of the date, time, and location of the hearing.

If this notice requires cessation of mining, it will expire within 30 days from the date you are notified unless an informal public hearing is held or waived, or the condition, practice, or violation is abated within the 30-day period.

3. FORMAL REVIEW AND TEMPORARY RELIEF.

You may appeal this notice or order to the Board of Oil, Gas, and Mining by submitting an application for hearing within 30 days of receipt of this notice or order. See Utah Admin. Code R645-300-164.300. Please submit the application for hearing to:

Secretary
Board of Oil, Gas, and Mining
1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801

If applying for a formal board hearing, you may submit with your petition for review a request for “*temporary relief*” from this notice. Procedures for obtaining a formal board hearing are contained in the Board’s Rules of Practice and Procedure and in Utah Admin. Code R645-401-800 et. seq.

4. EFFECT ON PERMIT.

The permit may be suspended or revoked if it is determined that a pattern of violations of the Act, regulations or permit conditions exists, and that the violations were caused by an unwarranted or willful failure to comply.

For further information, consult Utah Code Ann. § 40-10-20 through 40-10-23 and Utah Admin. Code R645-400-300 et. seq. and R645-401 et. seq., or contact the Division of Oil, Gas, and Mining at (801) 538-5340.